

103D CONGRESS
1ST SESSION

S. 1491

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 7), 1993

Mr. FORD introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION. 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Aviation Ad-
5 ministration Authorization Act of 1993”.

6 **SEC. 2. AIRPORT IMPROVEMENT PROGRAM AUTHORIZA-**
7 **TION.**

8 (a) AUTHORIZATION.—The second sentence of sec-
9 tion 505(a) of the Airport and Airway Improvement Act
10 of 1982 (49 App. U.S.C. 2204(a)) is amended—

1 (1) by striking “and” immediately after
2 “1992,”; and

3 (2) by inserting “, and \$18,016,700,000 for fis-
4 cal years ending before October 1, 1994” imme-
5 diately before the period at the end.

6 (b) DISCRETIONARY FUND.—Section 505(a) of the
7 Airport and Airway Improvement Act of 1982 (49 App.
8 U.S.C. 2204(a)) is further amended by inserting imme-
9 diately after the second sentence the following new sen-
10 tence: “If the obligation limitation on the amount made
11 available under this subsection for fiscal year 1994 is less
12 than \$1,800,000,000 and not less than \$1,700,000,000,
13 then \$50,000,000 of such amount shall be credited to the
14 discretionary fund established by section 507(c), without
15 apportionment; and if the obligation limitation on the
16 amount made available under this subsection for fiscal
17 year 1994 is less than \$1,700,000,000, then \$100,000,000
18 of such amount shall be credited to such discretionary
19 fund, without apportionment.”.

20 (c) OBLIGATIONAL AUTHORITY.—Section 505(b)(1)
21 of the Airport and Airway Improvement Act of 1982 (49
22 App. U.S.C. 2204(b)(1)) is amended by striking “1993”
23 and inserting in lieu thereof “1994”.

1 **SEC. 3. DEFINITION OF AIRPORT DEVELOPMENT.**

2 Section 503(a)(2)(B)(ii) of the Airport and Airway
3 Improvement Act of 1982 (49 App. U.S.C.
4 2202(a)(2)(B)(ii)) is amended by inserting “(including ex-
5 plosive detection devices) and universal access systems”
6 immediately after “safety or security equipment”.

7 **SEC. 4. AUTHORITY TO CONTINUE LETTERS OF INTENT.**

8 Notwithstanding any other provision of law, the Sec-
9 retary of Transportation may issue letters of intent under
10 section 513(d) of the Airport and Airway Improvement
11 Act of 1982 (49 App. U.S.C. 2212(d)) and use Airport
12 Improvement Program funds for planning, approving, and
13 administering such letters of intent.

14 **SEC. 5. LANDING AIDS AND NAVIGATIONAL EQUIPMENT IN-**
15 **VENTORY POOL.**

16 Section 506(a) of the Airport and Airway Improve-
17 ment Act of 1982 (49 App. U.S.C. 2205(a)) is amended
18 by adding at the end the following new paragraph:

19 “(4) LANDING AIDS AND NAVIGATIONAL EQUIP-
20 MENT INVENTORY POOL.—

21 “(A) ESTABLISHMENT OF PROGRAM.—Not
22 later than December 31, 1993, and notwith-
23 standing any other provision of this title, the
24 Secretary shall establish and implement a pro-
25 gram to purchase and reserve an inventory of
26 precision approach instrument landing system

1 equipment, to be made available on an expedited basis for installation at airports.

3 “(B) AUTHORIZATION.—No less than
4 \$30,000,000 of the amounts appropriated
5 under paragraph (1) for each of the fiscal years
6 1994 and 1995 shall be available for the purpose of carrying out this paragraph, including
7 acquisition, site preparation work, installation,
8 and related expenditures.”.

10 **SEC. 6. MICROWAVE LANDING SYSTEM.**

11 Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)), as amended
12 by this Act, is further amended by adding at the end the
13 following new paragraph:

15 “(5) MICROWAVE LANDING SYSTEM.—Notwithstanding any other provision of law, none of the
16 amounts appropriated under this subsection may be
17 used for the development or procurement of the
18 microwave landing system, except as necessary to
19 meet obligations of the Government under contracts
20 in effect on January 1, 1994.”.

22 **SEC. 7. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.**

23 (a) IN GENERAL.—Section 313 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354) is amended by
24 adding at the end the following new subsection:
25

1 “(g) ASSISTANCE TO FOREIGN AVIATION AUTHORI-
 2 TIES.—The Administrator may provide safety-related
 3 training and operational services to foreign aviation au-
 4 thorities with or without reimbursement, if the Adminis-
 5 trator determines that providing such services promotes
 6 aviation safety. To the extent practicable, air travel reim-
 7 bursed under this subsection shall be conducted on United
 8 States air carriers.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
 10 tents of the Federal Aviation Act of 1958 is amended by
 11 adding at the end of the item relating to section 313 the
 12 following:

“ (g) Assistance to foreign aviation authorities.”.

13 **SEC. 8. FOREIGN FEE COLLECTION.**

14 Section 313(f) of the Federal Aviation Act of 1958
 15 (49 App. U.S.C. 1354(f)) is amended—

16 (1) by redesignating paragraphs (3) and (4) as
 17 paragraphs (4) and (5), respectively; and

18 (2) by inserting immediately after paragraph
 19 (2) the following new paragraph:

20 “(3) RECOVERY OF COST OF FOREIGN AVIATION
 21 SERVICES.—

22 “(A) ESTABLISHMENT OF FEES.—Not-
 23 withstanding the limitation of paragraph (4),
 24 the Administrator may establish and collect fees
 25 for providing or carrying out the following avia-

tion services outside the United States: any test, authorization, certificate, permit, rating, evaluation, approval, inspection, or review. Such fees shall be established as necessary to recover the additional cost of providing or carrying out such services outside the United States, as compared to the cost of providing or carrying out such services within the United States.

“(B) CREDITING OF PREESTABLISHED FEES.—Fees described in subparagraph (A) that were not established before the date of enactment of the Federal Aviation Administration Authorization Act of 1993 may be credited in accordance with paragraph (5).”.

SEC. 9. REVIEW OF FEDERAL AVIATION ADMINISTRATION.

The Administrator of the Federal Aviation Administration shall conduct a review of the Federal Aviation Administration’s personnel administration, procurement process, and overall organizational structure. The Administrator shall, not later than March 30, 1994, report on the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

1 **SEC. 10. REPEAL OF ANNUAL REPORT REQUIREMENT.**

2 Section 401 of the Aviation Safety and Noise Abate-
3 ment Act of 1979 (Public Law 96–193; 94 Stat. 57) is
4 repealed.

5 **SEC. 11. DISCONTINUATION OF AVIATION SAFETY JOUR-**
6 **NAL.**

7 The Administrator of the Federal Aviation Adminis-
8 tration may not publish, nor contract with any other orga-
9 nization for the publication of, the magazine known as the
10 “Aviation Safety Journal”. Any existing contract for pub-
11 lication of the magazine shall be cancelled within 30 days
12 after the date of enactment of this Act.

13 **SEC. 12. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DEN-**
14 **SITY AIRPORTS.**

15 (a) IN GENERAL.—Title IV of the Federal Aviation
16 Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended
17 by adding at the end the following:

18 **“SEC. 420. ACCESS OF FOREIGN AIR CARRIERS TO HIGH**
19 **DENSITY AIRPORTS.**

20 “(a) IN GENERAL.—The Secretary shall not take a
21 slot at a high density airport from an air carrier and
22 award such slot to a foreign air carrier if the Secretary
23 determines that air carriers are not provided equivalent
24 rights of access to airports in the country of which such
25 foreign air carrier is a citizen.

26 “(b) DEFINITIONS.—For purposes of this section—

1 “(1) HIGH DENSITY AIRPORT.—The term ‘high
2 density airport’ means an airport at which the Ad-
3 ministrator limits the number of instrument flight
4 rule takeoffs and landings of an aircraft.

5 “(2) SECRETARY.—The term ‘Secretary’ means
6 the Secretary of Transportation.

7 “(3) SLOT.—The term ‘slot’ means a reserva-
8 tion, by an air carrier at an airport, for an instru-
9 ment flight rule takeoff or landing of an aircraft in
10 air transportation.”.

11 (b) CONFORMING AMENDMENT.—The portion of the
12 table of contents of the Federal Aviation Act of 1958 re-
13 lating to title IV is amended by adding at the end the
14 following new item:

 “Sec. 420. Access of foreign air carriers to high density airports.

 “(a) In general.

 “(b) Definitions.”.

15 **SEC. 13. AIR SERVICE TERMINATION NOTICE.**

16 (a) IN GENERAL.—(1) Title IV of the Federal Avia-
17 tion Act of 1958 (49 App. U.S.C. 1371 et seq.), as amend-
18 ed by this Act, is further amended by adding at the end
19 the following new section:

20 **“SEC. 421. AIR SERVICE TERMINATION NOTICE.**

21 “(a) IN GENERAL.—An air carrier may not terminate
22 air transportation to any point, unless such air carrier has
23 given the Secretary, each appropriate State agency, and

1 each affected community at least 60 days' notice before
2 such termination.

3 “(b) EMERGENCY EXCEPTION.—On a case-by-case
4 basis, the Secretary may modify or waive the requirements
5 of subsection (a) for an air carrier experiencing a sudden
6 and unforeseen financial emergency, if the Secretary finds
7 that such requirements impose undue hardship on such
8 air carrier.”.

9 (2) The portion of the table of contents of the Federal
10 Aviation Act of 1958 relating to title IV, as amended by
11 this Act, is further amended by inserting immediately
12 after the item relating to section 420 the following new
13 item:

“Sec. 421. Air service termination notice.

“(a) In general.

“(b) Emergency exceptions.”.

14 (b) CIVIL PENALTIES.—Section 901(a)(1) of the
15 Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1))
16 is amended by inserting “section 421 or” immediately
17 after “\$10,000 for each violation of”.

18 **SEC. 14. COOPERATIVE AGREEMENTS FOR RESEARCH, EN-**
19 **GINEERING, AND DEVELOPMENT.**

20 (a) IN GENERAL.—Section 312 of the Federal Avia-
21 tion Act of 1958 (49 App. U.S.C. 1353) is amended by
22 adding at the end the following new subsection:

23 “(j) COOPERATIVE AGREEMENTS.—The Adminis-
24 trator may enter into cooperative agreements on a cost-

1 shared basis with Federal and non-Federal entities that
2 the Administrator may select in order to conduct, encour-
3 age, and promote aviation research, engineering, and de-
4 velopment, including the development of prototypes and
5 demonstration models.”.

6 (b) CONFORMING AMENDMENT.—The table of con-
7 tents of the Federal Aviation Act of 1958 is amended by
8 adding at the end of the item relating to section 312 the
9 following:

“(j) Cooperative agreements.”.

10 **SEC. 15. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.**

11 (a) STUDY.—(1) Within thirty days after the date of
12 enactment of this Act, the Secretary of Transportation,
13 in cooperation with the National Transportation Safety
14 Board, the National Guard, and the Juneau International
15 Airport, shall undertake a study of the safety of the ap-
16 proaches to the Juneau International Airport.

17 (2) Such study shall examine—

18 (A) the crash of Alaska Airlines Flight 1866 on
19 September 4, 1971;

20 (B) the crash of a Lear Jet on October 22,
21 1985;

22 (C) the crash of an Alaska Army National
23 Guard aircraft on November 12, 1992;

24 (D) the adequacy of NAVAIDS in the vicinity
25 of the Juneau International Airport;

1 (E) the possibility of confusion between the Sis-
2 ters Island directional beacon and the Coghlan Is-
3 land directional beacon;

4 (F) the need for a singular Approach Surveil-
5 lance Radar site on top of Heintzleman Ridge;

6 (G) the need for a Terminal Very High Fre-
7 quency Omni-Directional Range (Terminal VOR)
8 navigational aid in Gastineau Channel; and

9 (H) any other matters any of the parties named
10 in paragraph (1) think appropriate to the safety of
11 aircraft approaching or leaving the Juneau Inter-
12 national Airport.

13 (b) REPORT.—(1) Within six months after the date
14 of enactment of this Act, the Secretary of Transportation
15 shall submit to the Committee on Commerce, Science, and
16 Transportation of the Senate and the Committee on Pub-
17 lic Works and Transportation of the House of Representa-
18 tives a report which—

19 (A) details the matters considered by the study;

20 (B) summarizes any conclusions reached by the
21 participants in the study;

22 (C) proposes specific recommendations to im-
23 prove or enhance the safety of aircraft approaching
24 or leaving the Juneau International Airport, or con-

1 tains a detailed explanation of why no recommenda-
2 tions are being proposed;

3 (D) estimates the cost of any proposed rec-
4 ommendations; and

5 (E) includes any other matters the Secretary
6 deems appropriate.

7 (2) The report shall include any minority views if con-
8 sensus is not reached among the parties listed in sub-
9 section (a)(1).

10 **SEC. 16. SOLDOTNA AIRPORT IMPROVEMENT.**

11 (a) RELEASE.—Notwithstanding section 16 of the
12 Federal Airport Act (as in effect on December 12, 1963),
13 the Secretary of Transportation is authorized, subject to
14 the provisions of section 4 of the Act of October 1, 1949
15 (50 App. U.S.C. 1622c), and the provisions of subsection
16 (b) of this section, to grant releases from any of the terms,
17 conditions, reservations, and restrictions contained in the
18 deed of conveyance dated December 12, 1963, under
19 which the United States conveyed certain property to the
20 city of Soldotna, Alaska, for airport purposes.

21 (b) CONDITIONS.—Any release granted under sub-
22 section (a) shall be subject to the following conditions:

23 (1) The city of Soldotna, Alaska, shall agree
24 that, in conveying any interest in the property which
25 the United States conveyed to the city by deed dated

1 December 12, 1963, the city will receive an amount
2 for such interest which is equal to the fair market
3 value (as determined pursuant to regulations issued
4 by the Secretary of Transportation).

5 (2) Any such amount so received by the city
6 shall be used by the city for the development, im-
7 provement, operation, or maintenance of a public
8 airport.

9 **SEC. 17. TECHNICAL AMENDMENTS.**

10 (a) DEFINITIONS.—Section 503(a)(2)(B) of the Air-
11 port and Airway Improvement Act of 1982 (49 App.
12 U.S.C. 2202(a)(2)(B)) is amended by moving clauses (vii)
13 and (viii) 2 ems to the right.

14 (b) AIRPORT PLANS.—Section 504(a)(1) of the Air-
15 port and Airway Improvement Act of 1982 (49 App.
16 U.S.C. 2203(a)(1)) is amended by redesignating clauses
17 (1), (2), and (3) as clauses (A), (B), and (C), respectively.

18 (c) CERTAIN PROJECT COSTS.—Section 513(b)(4) of
19 the Airport and Airway Improvement Act of 1982 (49
20 App. U.S.C. 2212(b)(4)) is amended—

21 (1) by inserting “or (in the case of a commer-
22 cial service airport which annually has less than 0.05
23 percent of the total enplanements in the United
24 States) between January 1, 1992, and October 31,
25 1992,” immediately after “July 12, 1976,”; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(D) That, with respect to a project at a com-
4 mercial service airport which annually has less than
5 0.05 percent of the total enplanements in the United
6 States, the Secretary may approve the use of the
7 funds described under paragraph (2), notwithstand-
8 ing the provisions of section 511(a)(16) and 515.”.

9 **SEC. 18. EXPENDITURES FROM AIRPORT AND AIRWAY**
10 **TRUST FUND.**

11 Section 9502(d)(1)(A) of the Internal Revenue Code
12 of 1986 (relating to expenditure from Airport and Airway
13 Trust Fund) is amended by striking “(as such Acts were
14 in effect on the date of the enactment of the Airport and
15 Airway Safety, Capacity, Noise Improvement, and Inter-
16 modal Transportation Act of 1992)” and inserting in lieu
17 thereof “(as such Acts were in effect on the date of the
18 enactment of the Federal Aviation Administration Author-
19 ization Act of 1993)”.

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